

## **DECLARATION OF EMERGENCY**

### **Department of Social Services Office of Family Support**

Supplemental Nutrition Assistance Program (SNAP)  
Family Independence Temporary  
Assistance Program (FITAP)  
Kinship Care Subsidy Program (KCSP)  
(LAC 67: III.1229, 1949, 1980, 1987, 5329)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt LAC 67:III, Subpart 2, Section 1229; Subpart 3, Sections 1949, 1980, and 1987; and Subpart 13, Section 5329. This Emergency Rule is effective May 12, 2010 and shall remain in effect for a period of 120 days.

Due to the Mississippi Canyon 252 Well Incident on April 20, 2010, thousands of barrels of oil were released into the Gulf of Mexico. The oil spill has threatened hundreds of species of fish, birds, and other wildlife along the Gulf Coast. This, in turn, will affect thousands of licensed commercial fishermen, shrimpers, oystermen, and crabbers, and other small businesses. Hundreds of other seafood-related businesses and their employees will also likely suffer substantial economic injury. Many individuals who have recently lost income have resources that exceed the Supplemental Nutrition Assistance Program (SNAP) resource limit.

Due to the Mississippi Canyon 252 Well Incident, Louisiana requested a waiver from Food and Nutrition Service (FNS) to implement a modified SNAP. FNS denied the waiver request and suggested that Louisiana implement broad-based categorical eligibility to provide immediate access to SNAP benefits by those affected by the oil spill.

The agency will amend LAC 67 in order to implement broad based-categorical eligibility which will make most if not all households categorically eligible for SNAP benefits because they will receive a non-cash, Temporary Assistance to Needy Families (TANF)/Maintenance of Effort (MOE) funded service. Any payments other than wages received as a result of the Mississippi Canyon 252 Well Incident will be excluded as income for SNAP, Family Independence Temporary Assistance Program (FITAP), and Kinship Care Subsidy Program (KCSP).

Pursuant to 7 CFR 273.2(j) subject to FNS approval, the State agency, at its option, may extend categorical eligibility to any household (except those listed in paragraph (j)(2)(vii) of that section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with state money counted for MOE purposes under Title IV-A or federal money under Title IV-A and that is designed to further purposes of goals three and four of the TANF block grant, as set forth in section 401 of P.L. 104-193, which requires participants to have a gross monthly income at or below 200 percent of the federal poverty level.

This change will help many recently unemployed fishermen and other individuals who worked in the seafood industry who have modest savings. Current rules require these workers to liquidate their savings before they can

receive assistance, undermining their long-term financial stability.

### **Title 67 SOCIAL SERVICES**

#### **Part III. Office of Family Support**

#### **Subpart 2. Family Independence Temporary Assistance Program**

#### **Chapter 12. Application, Eligibility, and Furnishing Assistance**

#### **Subchapter B. Conditions of Eligibility**

#### **§1229. Income**

A. - A.31. ...

32. any payments other than wages received as a result of the Mississippi Canyon 252 Well Incident in the Gulf of Mexico on April 20, 2010.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1(B), R.S. 46:231.2, P.L. 108-447, Act 16, 2005 Reg. Session; 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 26:1342 (June 2000), LR 26:2831 (December 2000), LR 31:2956 (November 2005), LR 32:383 (March 2006), LR 32:1616 (September 2006), LR 32:1912 (October 2006), LR 34:2678 (December 2008, LR).

#### **Subpart 3. Supplemental Nutrition Assistance Program (SNAP)**

#### **Chapter 19. Certification of Eligible Households**

#### **Subchapter H. Resource Eligibility Standards**

#### **§1949. Exclusions from Resources**

A. ...

B. all of the resources of individuals who are included in a household that is categorically eligible.

AUTHORITY NOTE: Promulgated in accordance with F.R. 52:26937 et seq., 7 CFR 273.8 and 273.9C(v), P.L. 103-66, P.L. 106-387, 45 CFR 263.20, and P.L. 107-171, 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:656 (November 1987), amended by the Department of Social Services, Office of Family Support, LR 18:1267 (November 1992), LR 21:187 (February 1995), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 28:1031 (May 2002), LR 29:606 (April 2003), LR 32:646 (April 2006), LR 34:2679 (December 2008).

#### **Subchapter I. Income and Deductions**

#### **§1980. Income Exclusions**

A. - A.42. ...

43. any payments other than wages received as a result of the Mississippi Canyon 252 Well Incident in the Gulf of Mexico on April 20, 2010.

AUTHORITY NOTE: Promulgated in accordance with P.L. 103-66, 7 CFR 273.9(c)(11), P.L. 104-193, P.L. 107-171, P.L. 108-447, 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 21:188 (February 1995), LR 23:82 (January 1997), LR 29:607 (April 2003), LR 31:2956 (November 2005), LR 32:383 (March 2006), LR 32:1616 (September 2006).

#### **Subchapter J. Determining Household Eligibility and Benefit Levels**

#### **§1987. Categorical Eligibility for Certain Recipients**

A. - A.4.b....

c. any member of the household is ineligible because of a drug related felony;

d. an individual who is disqualified for failure to comply with the work registration requirements;

e. an individual who is disqualified for failure to provide or apply for a social security number;

f. an individual who is on strike.

A.5. - D....

E. Households considered broad-based categorically eligible for Supplemental Nutrition Assistance Program (SNAP) benefits are households who receive a non-cash TANF/MOE funded benefit or service.

1. A household shall not be considered broad-based categorically eligible if:

a. any member of that household is disqualified for an intentional program violation;

b. the household is disqualified for failure to comply with the work registration requirements;

c. any member of the household is ineligible because of a drug related felony.

2. The following persons shall not be considered a member of a household when determining broad-based categorical eligibility:

a. an ineligible alien;

b. an ineligible student;

c. an institutionalized person;

d. an individual who is disqualified for failure to comply with the work registration requirements;

e. an individual who is disqualified for failure to provide or apply for a social security number;

f. an individual who is on strike.

3. Households which are broad-based categorically eligible are considered to have met the resource eligibility factor without additional verification.

4. Broad-based categorically eligible households must meet all Supplemental Nutrition Assistance Program eligibility factors except as outlined above.

5. Benefits for broad-based categorically eligible households shall be based on net income as for any other household.

AUTHORITY NOTE: Promulgated in accordance with F.R. 51:28196 et seq., 7 CFR 271, 272, 273.10, and 274; F.R. 56:63612-63613, P.L. 104-193, 7 CFR 273.2(j)(2)(xi), Act 58, 2003 Reg. Session, 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:90 (February 1987), amended by the Department of Social Services, Office of Family Support, LR 18:1267 (November 1992), LR 24:1783 (September 1998), LR 26:349 (February 2000), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 30:495 (March 2004).

**Subpart 13. Kinship Care Subsidy Program (KCSP)**  
**Chapter 53. Application, Eligibility, and Furnishing Assistance**

**Subchapter B. Conditions of Eligibility**

**§5329. Income**

A. - A.31. ...

32. any payments other than wages received as a result of the Mississippi Canyon Well Incident in the Gulf of Mexico on April 20, 2010.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, and P.L. 108-447, Act 16, 2005 Reg. Session, 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:353 (February 2000), amended LR 26:2832 (December 2000), LR 31:2958 (November 2005), LR 32:1617 (September 2006), LR 32:1913 (October 2006), repromulgated LR 32:2098 (November 2006).

Kristy Nichols  
Secretary

1006#005